

**MINTZ LEVIN
COHN FERRIS
GLOVSKY AND
POPEO PC**

Boston

Washington

Sara F. Seidman

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 434 7300
202 434 7400 fax

One Financial Center
Boston, Massachusetts 02111
617 542 6000
617 542 2241 fax
Home Page: www.mintz.com

EX PARTE OR LATE FILED

Direct Dial Number: 202/434-7327

Internet Address: sseidman@mintz.com

April 14, 1998

HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RECEIVED

APR 14 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte Presentation

RE: Clarification of the Commission's Rules on Interconnection Between
LECs and Paging Carriers, CCB/CPD No. 97-24; Implementation
of the Local Competition Provisions of the Telecommunications Act
of 1996, First Report and Order, CC Docket Nos. 96-98, 95-185

Dear Ms. Salas:

On April 13, 1998, Doug Brandon, Vice President, External Affairs, AT&T Wireless Services, Inc., and Howard J. Symons and Sara F. Seidman of this firm met with Nancy Boocker, John Cimko, Daniel Grosh, Jeanine Poltronieri, Kelly Quinn, and Peter Wolfe, of the Wireless Telecommunications Bureau to discuss issues relevant to LEC-paging interconnection and reciprocal compensation. The points we raised are reflected in the attached document, which was provided to the Commission participants at the meeting.

April 14, 1998

Page 2

Pursuant to sections 1.1206(b)(1) and (b)(2) of the Commission's rules, an original and one copy of this letter and attachment are being filed with the Office of the Secretary. Copies of the letter and the attachment are also being served on the Commission personnel who participated in the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Seidman", with a long horizontal flourish extending to the right.

Sara F. Seidman

cc: Nancy Boocker
John Cimko
Daniel Grosh
Jeanine Poltronieri
Kelly Quinn
Peter Wolfe

LEC-PAGING RECIPROCAL COMPENSATION

Paging carriers, like all other CMRS carriers, are entitled to reciprocal compensation under the 1996 Act.

- Section 251(b)(5) states that local exchange carriers must establish reciprocal compensation arrangements for the transport and termination of telecommunications – all telecommunications. The FCC has consistently found that paging providers are telecommunications carriers.
- The balance of traffic between the networks has no bearing on the obligation of the originating carrier under Section 251(b)(5) to cover the transport and termination costs of the terminating carrier. The Act imposes an obligation to pay compensation for traffic that a carrier originates. It does not require a carrier to originate traffic and pay some amount of compensation to the other carrier in order to receive compensation for the traffic it terminates.
- In the LEC-CLEC context, the FCC (properly) did not examine whether, and how much, traffic flows to the CLEC network in determining that LECs are required to compensate CLECs for all the calls the CLECs terminate. For example, CLECs are compensated for terminating calls to pizza parlors and ISPs without regard to whether those end users originate calls and without regard to whether a particular CLEC serves other customers who do originate calls. There is simply no basis to treat paging carriers differently than those CLECs.
- Paging carriers “transport and terminate” traffic. The paging switch receives – terminates – calls originated on the LEC network and then transmits such calls to the pager of the party called. Thus, a paging switch provides a function equivalent to a LEC switch. 47 C.F.R. § 51.701(d).
- LECs may not, consistent with either Section 251(b)(5) of the Act or Section 51.703 of the Commission’s rules, assess charges on CMRS carriers – including paging carriers – to recover the costs of facilities that are used by LECs to deliver traffic to CMRS carriers.

The FCC has imposed the burdens of telecommunications carriers on paging providers.

- The Commission has determined that paging carriers are telecommunications carriers for purposes of paying into the high cost universal service fund, even though paging carriers

cannot qualify as "eligible" carriers to receive contributions from that fund. Paging carriers also have the same obligations as cellular and broadband PCS providers under Section 251 of the Act.

- As paging carriers are required to comply with the duties of telecommunications carriers, they are also entitled the rights accorded to telecommunications carriers under the Act.

Paging carriers should be treated like other interconnecting carriers.

- Some LECs have historically required paging carriers to pay for traffic originated on the LEC network and to order out of end user tariffs. Type 1 dedicated facilities directly from end offices (instead of the tandem) to the paging switch.
- Contrary to some of the LEC arguments, paging carriers do not wish to perpetuate the existing type of interconnection. Rather, paging carriers want to be treated like other interconnecting carriers. If a LEC uses a combination of common transport (e.g., from the end office to the tandem) and dedicated facilities (e.g., from the tandem to the interconnecting carrier's switch) to deliver calls made by its customers to a CLEC or cellular/PCS provider, it should be required to establish the same arrangements to route traffic to a paging carrier.
- If the CLEC or CMRS provider is not charged for dedicated facilities (or the portion of those facilities that is used to route traffic to the CLEC or CMRS provider), the paging carrier should not be so charged.
- The LECs' contention that paging carriers must place a switch or establish a point of presence in every LEC local calling area if they wish to provide their customers with "local" numbers makes no sense and is blatantly discriminatory. CLECs often have only one switch in a LATA, but still provide "local" service to customers in multiple LEC calling areas.
- AWS's arrangement with Bell Atlantic in New Jersey demonstrates that LECs can, and that some LECs do, provide equitable treatment to paging providers. In that state, Bell Atlantic interconnects with AWS's paging switch through one tandem connection and AWS has obtained several NXXs in Bell Atlantic rate centers in which it provides paging service. Bell Atlantic imposes no charges on AWS for the facilities used to route traffic to AWS.

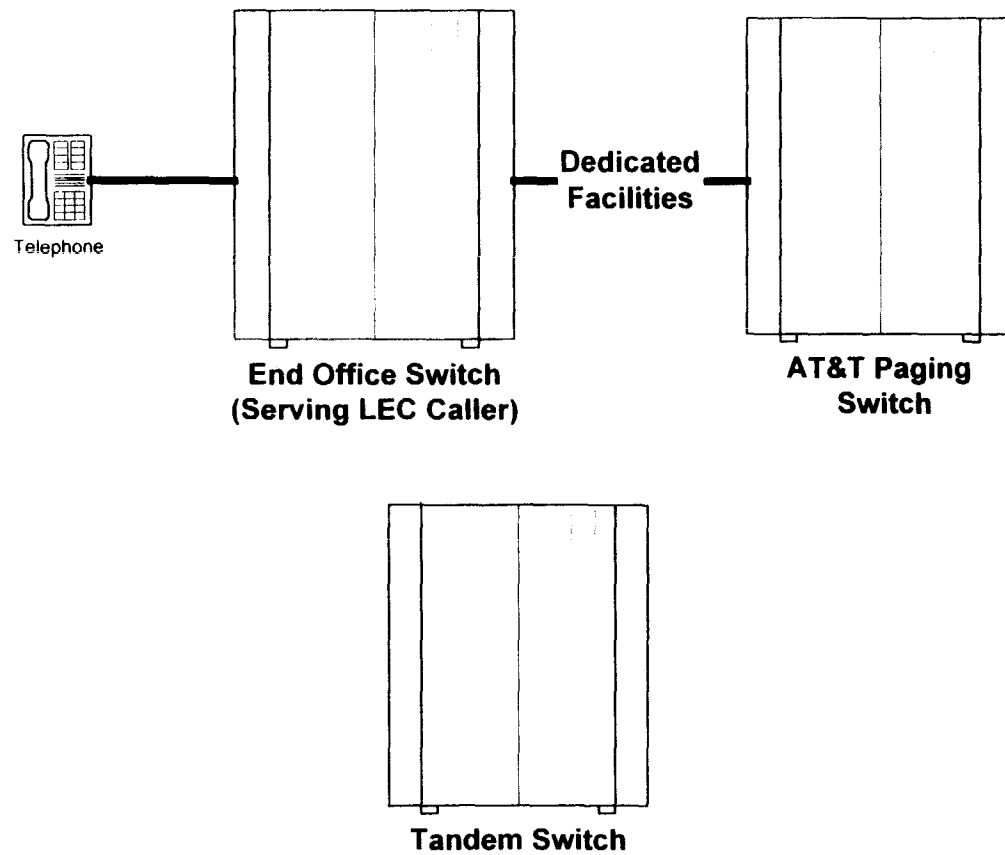
A reasonable transition period is necessary.

- In many LEC territories, paging carriers were forced by the LECs to interconnect at, and pay facilities charges from, end offices if they wanted to provide their customers with numbers that were considered "local" at those end offices. Based upon the arrangements dictated by the LECs, AWS signed up thousands of customers in numerous LEC local calling areas. Because the numbers assigned to those customers are only portions of 10,000 block NXXs, the LECs are not yet technically capable of routing calls to them in the manner that they route calls to other carriers (i.e., through common transport and tandem interconnections).

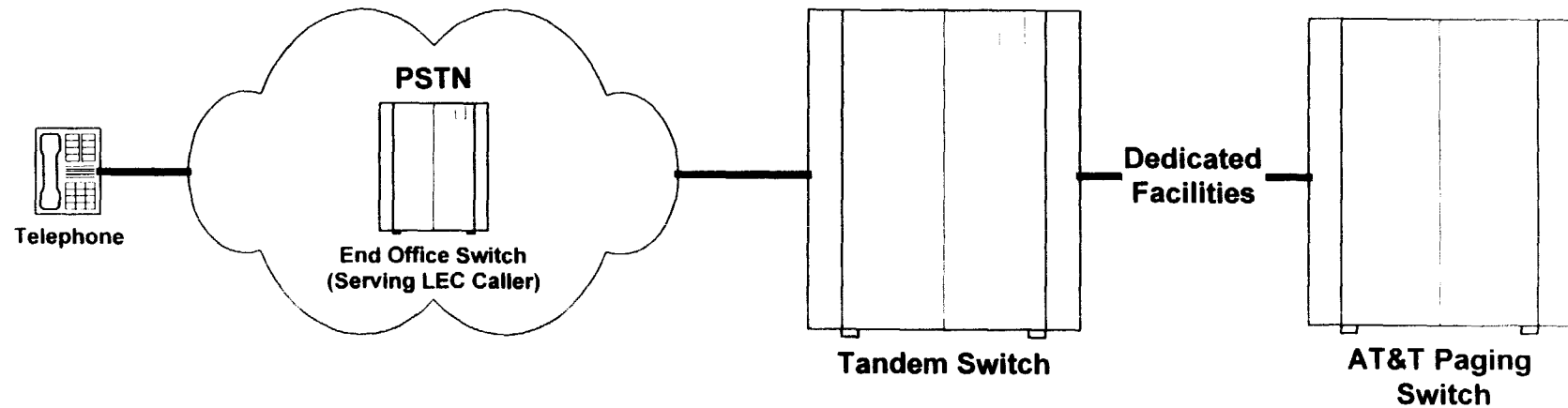
- While some LECs now complain about having to cover the cost of those facilities themselves, these are the same LECs who forced paging carriers to order the special interconnection facilities at end offices in the first place. Paging carriers should not be penalized because of the historically inequitable treatment they were afforded by the LECs.
- So long as AWS has customers who the LECs cannot reach through standard interconnection arrangements (e.g., common transport and tandem switching) as a result of the paging interconnection arrangements dictated by such LECs, AWS should not be required to pay for the end office facilities required to serve those customers.
- LECs do not have to engage in immediate and wholesale revision of their networks to take into account the Act's obligations. Rather, the Commission should require the parties to negotiate mutually agreeable and efficient arrangements that do not discriminate against paging carriers vis a vis other telecommunications carriers and that take into account the years of LEC refusals to treat paging providers as co-carriers.

DCDOCS: 125507.2 (2_%b02!.doc)

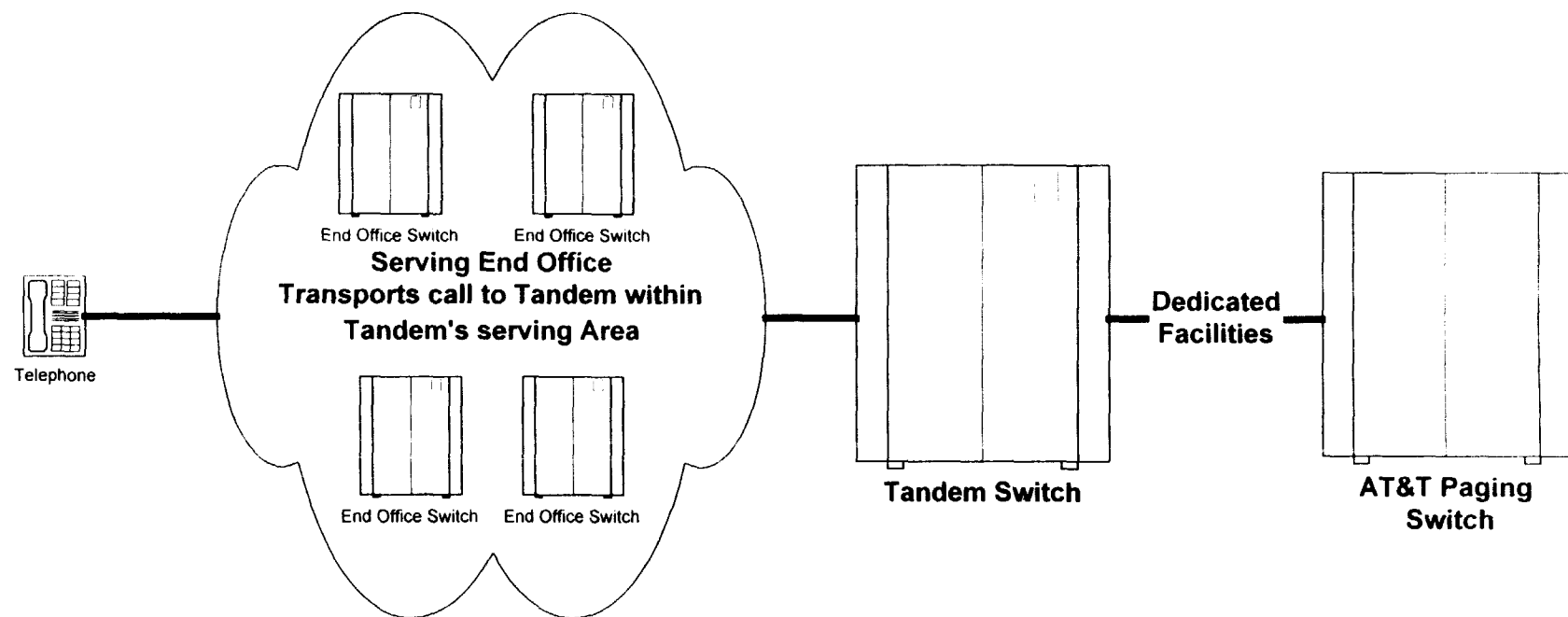
End Office Interconnection



Tandem Interconnection

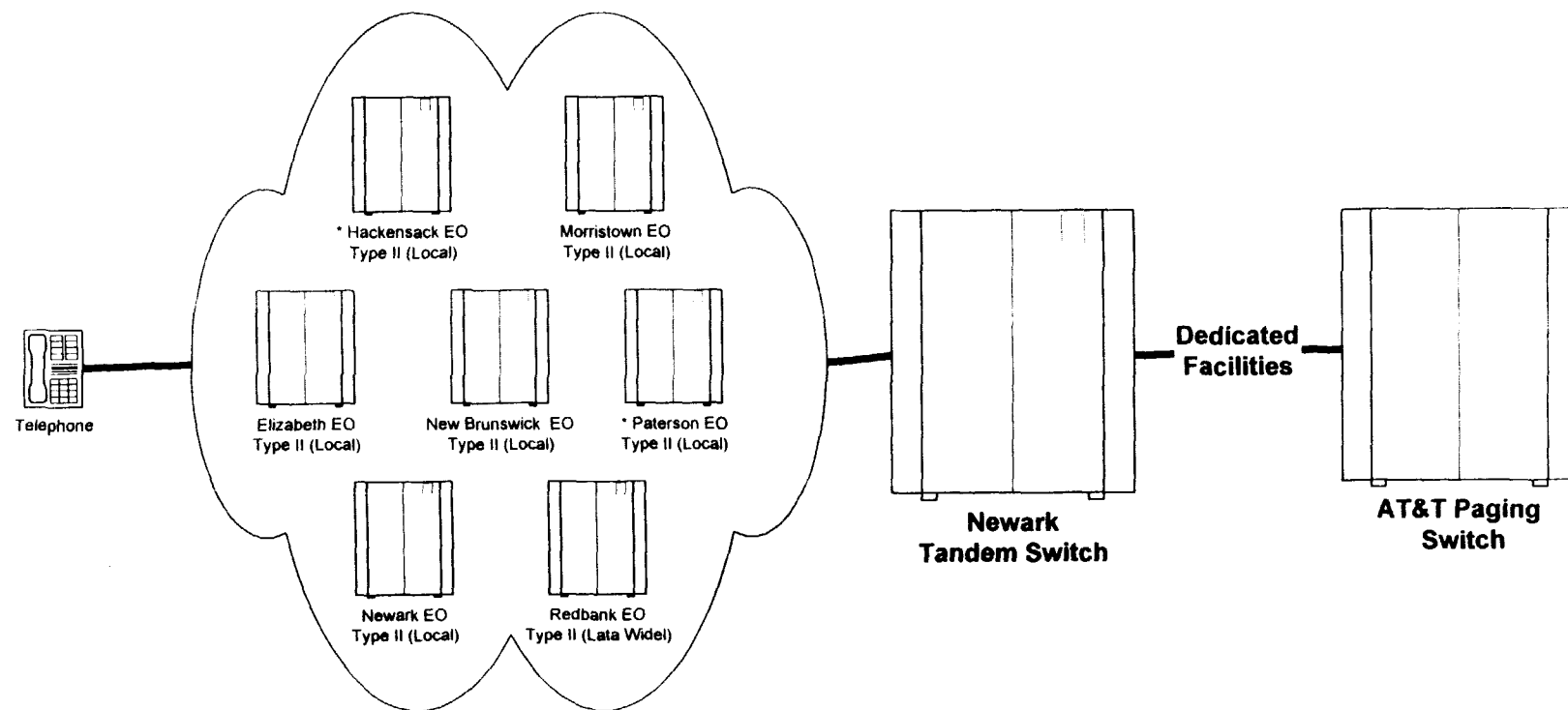


Tandem Interconnection With Virtual Rate Centers



NOTE: Rates Centers designated by AT&T Wireless Services, Messaging Division at time of order.

Bell Atlantic Type II Interconnection With Virtual Rate Centers



NOTE: Asterisk (*) identifies End Offices normally served by the Rochelle Park Tandem.

CA LP2 Interconnection

